

ORDINANCE NO. 515

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE AMENDING SECTION 5 (PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE) OF ORDINANCE 497

WHEREAS, the City Council for the City of Blue Lake adopted Ordinance 472 establishing a franchise for cable services within the City's public rights of way; and

WHEREAS, the City Council adopted Ordinance 497 adding Chapter 5 to Ordinance 472 to implement provisions of the state Digital Infrastructure and Video Competition Act of 2000, or DIVCA (California Public Utilities Code Section 5800 et seq.); and

WHEREAS, Section 5.7.2(A) of Ordinance 497 establishes a fee to be paid by the cable service franchisee to provide and support Public, Educational, and Government (PEG) channel access at the rate of three percent (3%) of gross revenues; and

WHEREAS, various disputes have arisen between the current cable service franchisee and the City involving obligations the franchisee is required to perform under the Ordinances 472, 497 and the DIVCA, including the calculation and payment of the PEG fee; and

WHEREAS, pursuant to Resolution 1065, the City Council approved a settlement agreement with the cable service franchisee in which the City agreed to amend Ordinance 497 and revise the PEG fee to 1.401%.

The City Council of the City of Blue Lake does ordain as follows:

Section 1. Amendment. Section 5.7.2 (PEG Support), sub-section A (Amount of PEG Support Fee), as adopted initially by Ordinance No. 497, is replaced in its entirety by the following:

“(A) Amount of PEG Support Fee. Any state franchise holder shall pay to the City – or if directed by the City, to the City's designated PEG provider – a PEG fee equal to 1.401% of gross revenues, an amount equivalent to the level of PEG funding remitted by the incumbent Cable operator to the City's designated PEG provider during the period of January 1, 2006 to December 30, 2006.”

Section 3. Said revised Section 5.7.2(A) is hereby integrated into Section 5.7.2 of Ordinance 497. All other provisions of Ordinance 497 as amended shall remain unaffected.

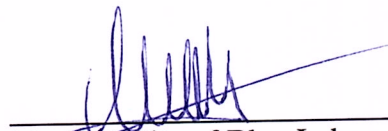
Section 4. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 6. The Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

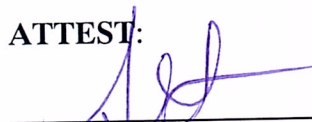
Section 7. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption.

APPROVED:



Mayor – City of Blue Lake

ATTEST:



City Clerk – City of Blue Lake

CLERK'S CERTIFICATE

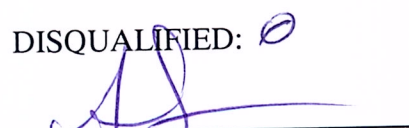
THIS IS TO CERTIFY that Ordinance No. 515 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on Dec. 8, 2015. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on Jan. 12, 2016 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: McCall-Wallace, Kullmann, Swatzky, Lynch, Jones

NOES: 0

ABSENT: 0

DISQUALIFIED: 0



City Clerk, City of Blue Lake